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HUMAN RIGHTS COMMITTEE

Sixty-fourth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1727th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 5 November 1998 at 5.10 p.m.

Chairperson: Ms. CHANET

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1727.

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GE.98-19402 (E)

The meeting was called to order at 5.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Timetable for consideration of future reports

1. The CHAIRPERSON invited the Committee to comment on the timetable for consideration of future reports from the States parties whose reports had been considered at the present session, namely Armenia, Austria, Belgium, Iceland, Japan and the Libyan Arab Jamahiriya. The timetable proposed by the Bureau was before the Committee in a paper circulated by the secretariat.

2. Mr. POCAR endorsed the proposed timetable. For two countries, alternative dates were suggested: he would prefer 2002 for both Austria and Japan.

3. Mr. KRETZMER said he thought Belgium, Austria and Iceland should all be assigned 2003 as the date for the submission of their next periodic reports.

4. Mr. SCHEININ supported that proposal and thought that the due date for Japan, too, should be fixed as 2003, in order to provide ample time for implementation of the Committee's recommendations. The due date for Armenia and the Libyan Arab Jamahiriya should be 2002.

5. The CHAIRPERSON suggested that in all cases, the month of October in the year chosen should be cited as part of the due date.

6. It was so decided.

7. Mr. ANDO said that he endorsed the proposed timetable, with a due date of 2002 for Austria and a due date of 2003 for Japan.

8. Mr. KLEIN said he endorsed the dates mentioned by Mr. Kretzmer and Mr. Scheinin.

9. Mr. POCAR asked for information from the secretariat on the Committee's practice in establishing the periodicity of submission of reports.

10. Mr. de ZAYAS (Secretary of the Committee) reminded the Committee that in July it had set the date for submission of Ecuador's next periodic report for June 2001. For Israel, the date set had been June 2000, for Italy June 2002, for Algeria June 2000, for the former Yugoslav Republic of Macedonia June 2000, and for Tanzania June 2002.

11. Mr. POCAR said the Secretary's reply confirmed that the Bureau's proposal had been the right one. Under that proposal, the date fixed for Armenia's next report would be October 2001, for Austria October 2002, for Belgium October 2002, for Iceland October 2003, for Japan October 2002, and the Libyan Arab Jamahiriya October 2002. Those dates were somewhat later than the ones fixed in July, but in view of the large number of reports the Committee had to deal with it would be better not to set them too close together.

12. The CHAIRPERSON said she agreed. However, she was not sure that setting later dates would lighten the workload: it would simply mean that the Committee would be faced with the same problem at a later stage. She took it that the Committee wished to adopt the Bureau's proposal.

13. It was so decided.

14. The CHAIRPERSON recalled that in July the Committee had decided that at its March 1999 session in New York it would consider the reports of Cambodia, Cameroon, Canada, Chile, Costa Rica and Lesotho, with the Republic of Korea and Mexico in reserve. For July 1999 the Bureau was proposing that, in order to allow more time for communications, only five reports should be considered, namely those of Romania, Poland, the Republic of Korea, Mexico and Kuwait, with Morocco and Kyrgyzstan in reserve.

15. Mr. SCHEININ proposed that Trinidad and Tobago should not be scheduled for the New York session, for geographical reasons.

16. The CHAIRPERSON said that that country was not in fact included in the list, although the schedule might have to be modified in the light of developments.

17. Mr. POCAR said he did not wish to overload the New York schedule. However, he wondered whether the Committee should not revert to its previous practice of requesting special reports for particular situations. It appeared that grave human rights violations were once again being committed in the Balkans, similar to those that had occurred in Bosnia, despite international intervention. In view of the fact that Yugoslavia's last report had been considered in 1992, he suggested that Yugoslavia be asked to submit, if not a regular report, at least a special report on articles 6, 7, 9 and 27 of the Covenant. Article 19 should perhaps be added in the light of the news that a former member of the Committee living in the country had been subjected to a number of human rights restrictions.

18. Mr. KLEIN pointed out that the report of the Congo had been submitted in 1996 and was still awaiting consideration. He suggested that it be scheduled for July 1999 in place of one of the reports submitted subsequently.

19. Mr. KRETZMER recalled that in October 1997 the Committee had decided to tell countries whose initial reports were long overdue that a deadline had been set for consideration of those reports. There was no reason why that approach should not also be used in respect of countries that were eight or more years behind with periodic reports. He proposed that the Committee should send requests to those countries, beginning with those most in arrears.

20. Mr. BUERGENTHAL said he strongly supported Mr. Pocar's proposal that Yugoslavia should be asked to submit either a regular report or a special report on certain articles. It was particularly important to mention article 19, in view of reports of the dismissal of many academics who had expressed opposition to the Government's policy, including the former Vice-Chairman of the Committee, as well as of the closing down of a number of independent newspapers and TV stations.

21. Ms. EVATT drew attention to paragraph 45 of the report of the Human Rights Committee, stating that the Committee had decided to request reports from the nine States most in arrears with their initial reports. Three reports had actually been received as a result of that exercise. Although States were in any case sent a reminder every year, she could support Mr. Kretzmer's suggestion that a special letter be sent to those most overdue.

22. However, she had some reservations about requesting special reports for special situations, because of the difficulty of deciding what criteria to apply. There were many countries, notably Afghanistan, Sudan and Sri Lanka, where the human rights situation was just as serious as in Yugoslavia.

23. The CHAIRPERSON noted that one of the Committee's criteria for requesting a special report was that the country concerned should have a government capable of submitting one.

24. Mr. YALDEN said he shared Ms. Evatt's misgivings. There were currently many countries besides Yugoslavia suffering severe human rights problems.

25. The CHAIRPERSON said that, nevertheless, the Committee ought to have the option of calling for a special report if the situation seemed to warrant it. The fact that there were always countries in a worse situation than the one chosen should not be a reason for giving up that option.

26. Mr. KRETZMER proposed that Syria, Suriname and Colombia should be requested to submit periodic reports not later than 1 March 1999, to be considered in July 1999. Kenya and Mali should be requested to submit reports not later than 1 July 1999, to be taken up in October 1999. Lastly, the Central African Republic and Guyana should be requested to submit reports not later than 1 October 1999, to be examined in March 2000.

27. Mr. WIERUSZEWSKI said that, while he was in favour of special reports in principle, the Committee needed to define what criteria should be applied in requesting them. As he saw it, one criterion would be the existence of other United Nations mechanisms already dealing with the situation, which in the case of Yugoslavia was the Special Rapporteur. He did not think that having a Yugoslav delegation appear before the Committee would do much to improve the country's human rights situation.

28. Mr. SCHEININ said he supported Mr. Kretzmer's proposal, but did not think specific dates should be set for consideration of the reports.

29. The CHAIRPERSON, in response to the point raised by Mr. Klein, said it was not at present possible to follow up the situation in the Congo. Consideration of the report of the Congo had been scheduled for a year ago, but at that time the State party had indicated that it was not in a position to submit one.

30. On the question of special reports, she pointed out that the Committee was an autonomous body and action it had taken in the past had not in fact duplicated efforts. It had helped to step up pressure on the State party.

31. Mr. KRETZMER considered that merely setting a date for submission of reports was not going to make any difference in the case of the countries concerned. The whole purpose of setting a date for the consideration of reports was to exert some form of extra pressure not achieved by previous letters.

32. Mr. POCAR said he appreciated the misgivings expressed about special reports. However, Yugoslavia should at least be included in the list proposed by Mr. Kretzmer, and the Committee's letter should note the allegations made in respect of certain articles and ask the State party to report by a particular date. Yugoslavia was in a special situation vis-à-vis the United Nations because it was still suspended from the General Assembly. However, as a successor State, it was still, according to the Committee's jurisprudence, bound by the Covenant.

The meeting rose at 6.05 p.m.